

PART 1300—ORGANIZATION AND FUNCTIONS OF THE MILLENNIUM CHALLENGE CORPORATION

Sec.

- 1300.1 Purpose.
- 1300.2 Organization.
- 1300.3 Functions.
- 1300.4 Operations.
- 1300.5 Quorum and voting requirements.
- 1300.6 Office location.

AUTHORITY: 5 U.S.C. 552, as amended.

SOURCE: 72 FR 49192, Aug. 28, 2007, unless otherwise noted.

§ 1300.1 Purpose.

This part describes the organization, functions and operation of the Millennium Challenge Corporation (MCC). MCC is a government corporation (as defined in 5 U.S.C. 103) established by the Millennium Challenge Act of 2003 (Pub. L. 108–199, 118 Stat. 211.) Information about MCC is available from its Web site, <http://www.mcc.gov>.

§ 1300.2 Organization.

(a) MCC's Board consists of: (1) The Secretary of State, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, the United States Trade Representative; and the Chief Executive Officer of the Corporation; and (2) four other individuals with relevant international experience from the private sector; appointed by the President with the advice and consent of the Senate.

(b) MCC's staff is comprised of the following administrative units:

- (1) The Office of the Chief Executive Officer;
- (2) The Department of Accountability;
- (3) The Department of Administration and Finance;
- (4) The Department of Congressional and Public Affairs;
- (5) The Department of Operations;
- (6) The Department of Policy and International Relations; and
- (7) The Office of the General Counsel.

§ 1300.3 Functions.

- (a) MCC provides United States assistance for global development; and
- (b) Provides such assistance in a manner that promotes economic

growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.

§ 1300.4 Operations.

In exercising its functions, duties, and responsibilities, MCC utilizes:

(a) MCC staff, consisting of specialized offices performing specialized, administrative, legal and financial work for the Board.

(b) Rules published in the FEDERAL REGISTER and codified in this title of the Code of Federal Regulations.

(c) Meetings of the Board of Directors conducted pursuant to the Government in the Sunshine Act or voting by notation as provided in section 1300.5(b).

§ 1300.5 Quorum and voting requirements.

(a) *Quorum requirements.* A majority of the members of the Board shall constitute a quorum, which shall include at least one private sector member of the Board.

(b) *Voting.* The Board votes on items of business in meetings conducted pursuant to the Government in the Sunshine Act.

§ 1300.6 Office location.

The principal offices of the Millennium Challenge Corporation are located at 875 Fifteenth Street, NW., Washington, DC 20005–2221.

PART 1304—FREEDOM OF INFORMATION ACT PROCEDURES

Sec.

- 1304.1 General provisions.
- 1304.2 Definitions.
- 1304.3 Records available to the public.
- 1304.4 Requests for records.
- 1304.5 Responsibility for responding to requests.
- 1304.6 Records not disclosed.
- 1304.7 Confidential commercial information.
- 1304.8 Appeals.
- 1304.9 Fees.

AUTHORITY: 5 U.S.C. 552, as amended.

SOURCE: 73 FR 53686, Sept. 17, 2008, unless otherwise noted.

§ 1304.1 General provisions.

This part contains the regulations the Millennium Challenge Corporation

(MCC) follows in implementing the Freedom of Information Act (FOIA) (5 U.S.C. 552) as amended. These regulations provide procedures by which you may obtain access to records compiled, created, and maintained by MCC, along with the procedures that MCC must follow in response to such requests for records. These regulations should be read together with the FOIA, which provides additional information about access to records maintained by MCC.

§ 1304.2 Definitions.

Agency has the meaning set forth in 5 U.S.C. 552(f)(1).

Commercial use requester means a requester seeking information for a use or purpose that furthers the commercial, trade, or profit interests of himself or the person on whose behalf the request is made, which can include furthering those interests through litigation. In determining whether a request properly belongs in this category, the FOIA Officer shall determine the use to which the requester will put the documents requested. Where the FOIA Officer has reasonable cause to doubt the use to which the requester will put the records sought, or where that use is not clear from the request itself, the FOIA Officer shall contact the requester for additional clarification before assigning the request to a specific category.

Confidential commercial information means records provided to the government by a submitter that arguably contains material exempt from disclosure under Exemption 4 of the FOIA, because disclosure could reasonably be expected to cause substantial competitive harm.

Direct costs mean those expenditures by MCC actually incurred in searching for and duplicating records in response to the FOIA request. These costs include the salary of the employee(s) performing the work (basic rate of pay plus a percentage of that rate to cover benefits) and the cost of operating duplicating machinery. Direct costs do not include overhead expenses, such as the cost of space, heating, or lighting of the facility in which the records are stored.

Duplication means the process of making a copy of a record in order to respond to a FOIA request, including

paper copies, microfilm, audio-video materials, and computer diskettes or other electronic copies.

Educational institution refers to a pre-school, a public or private elementary or secondary school, an institute of undergraduate higher education, an institute of graduate higher education, an institute of professional education, or an institute of vocational education which operates a program of scholarly research. To qualify for this category, the requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought to further scholarly research.

FOIA means the Freedom of Information Act, as amended (5 U.S.C. 552).

FOIA Officer means the MCC employee who is authorized to make determinations as provided in this part. The mailing address for the FOIA Officer is: Millennium Challenge Corporation, Attn: FOIA Officer, 875 Fifteenth Street, NW., Washington, DC 20005.

Non-commercial scientific institution refers to an institution that is not operated on a "commercial" basis as that term is used in paragraph (a) of this section, and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. To qualify for this category, the requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought to further scholarly research.

Record means information or documentary material MCC maintains in any form or format, including an electronic form or format, which MCC:

- (1) Made or received under federal law or in connection with the transaction of public business;
- (2) Preserved or determined is appropriate for preservation as evidence of MCC operations or activities or because of the value of the information it contains; and
- (3) Controls at the time it receives a request.

Representative of the news media means any person actively gathering news for an entity that is organized